

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTOR FERREIRA-ROSARIO,

Petitioner,

- against -

ORDER

19 Civ. 3175 (NRB)

18 Cr. 173-7 (NRB)

UNITED STATES OF AMERICA,

Respondent.

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NAOMI REICE BUCHWALD

UNITED STATES DISTRICT JUDGE

WHEREAS, on December 20, 2018, the Court sentenced petitioner Victor Ferreira-Rosario to 78 months' imprisonment (18-CR-0173-7, ECF No. 71);

WHEREAS, on April 8, 2019, petitioner filed a petition requesting that the Court vacate his sentence pursuant to 28 U.S.C. § 2255 for ineffective assistance of counsel (19-CV-3175, ECF No. 1);

WHEREAS, on August 20, 2019, the Court dismissed the petition without prejudice for want of jurisdiction due to petitioner's direct appeal of his sentence (19-CV-3175, ECF No. 4);

WHEREAS, on August 28, 2020, the U.S. Court of Appeals for the Second Circuit dismissed petitioner's direct appeal as untimely and issued a mandate restoring this Court's jurisdiction (18-CR-0173-7, ECF No. 166); and

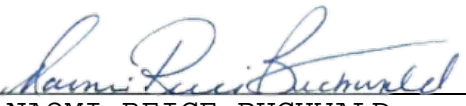
WHEREAS, the Court cannot conclude at this stage that it plainly appears from the petition that petitioner is not entitled to relief; it is hereby

ORDERED that the Government shall file a response to the petition by October 16, 2020; and it is further

ORDERED that petitioner shall have until November 16, 2020 to file a reply to the Government's response and, absent further order, the petition shall be considered fully submitted as of that date; and it is further

ORDERED that all further papers filed or submitted for filing regarding this petition must also include the criminal docket number and must also be docketed in the criminal case.

Dated: New York, New York
September 2, 2020



NAOMI REICE BUCHWALD
UNITED STATES District JUDGE

A copy of the foregoing has been mailed to:

Victor Ferreira-Rosario, ID No. 85505-054
MOSHANNON VALLEY CORRECTIONAL INSTITUTION
555 GEO DRIVE
PHILIPSBURG, PA 16866